

COMMONWEALTH OF VIRGINIA
Department of Environmental Quality

Subject: Division of Land Protection and Revitalization Guidance Memo No. 01-2011
IMPLEMENTATION OF NEW OPERATIONS MANUAL REQUIREMENTS

To: Regional Land Protection Program Managers

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Copies: Regional Directors, Deputy Regional Directors

Summary:

This guidance provides an implementation document to assist the regulated community and internal staff during the transition to the standards contained in Amendment 7 to the Virginia Solid Waste Management Regulations (9VAC20-81-10 *et al*), effective March 16, 2011.

Electronic Copy:

An electronic copy of this guidance is available on DEQ's website at <http://www.deq.virginia.gov/waste/guidance.html>.

Contact Information:

Please contact Lyn Richardson at Linda.Richardson@deq.virginia.gov or (804) 698-4318 with any questions regarding the application of this guidance.

Disclaimer:

This document is provided as guidance and, as such, sets forth standard operating procedures for the agency. However, it does not mandate any particular method nor does it prohibit any alternative method. If alternative proposals are made, such proposals should be reviewed and accepted or denied based on their technical adequacy and compliance with appropriate laws and regulations.

I. Introduction

This guidance has been created in response to inquiries from DEQ staff and the regulated community concerning how the new requirements of Amendment 7 will be applied as they pertain to operations manuals. Amendment 7 to the VSWMR (9VAC20-81) includes new provisions removing the operations manual from the facility's Part B application. The new regulation allows facilities to revise their operations manuals without amending their permit. However, certain information typical to an operations manual will remain as a required portion of the Part B application and therefore the permit. This guidance discusses the implementation and application of the new requirements.

The following are topics discussed in Section V of this guidance document:

- Operational details that continue to be part of the permit (Design Report)
- Contents of operations manual maintained in operating record
- Revision of existing operations manuals
- Compliance with operations manuals
- Responsible official certification

Other potential topics that are not presented in this guidance document will be evaluated on a case-by-case basis by the DEQ.

II. Background

Previously a facility's operations manual was a component of the Part B permit application and thus became part of the facility permit. A permit amendment was required in order to update or change an operations manual. Amendment 7 to the VSWMR (9VAC20-81) requires that all facilities (full permit and permit-by-rule) prepare and maintain in their operating record an operations manual in accordance with 9VAC20-81-485. The new provisions remove the operations manual from the Part B application and facility permit.

III. Authority

§ 10.1-1402 of the Virginia Waste Management Act, Chapter 14 (§ 10.1-1400 *et seq.*) of Title 10.1 of the Code of Virginia, authorizes the Virginia Waste Management Board to promulgate regulations necessary to carry out its powers and duties and the intent of the Act, to supervise and control waste management activities in the Commonwealth, and to protect human health and the environment.

IV. Definitions

The definitions in § [10.1-1400](#) of the Code of Virginia and §9VAC20-81-10 of the VSWMR apply to this guidance document.

V. Guidance

The intent of this guidance is to summarize the changes pertaining to the review and amendment of a facility's operations manual as a result of Amendment 7 to the VSWMR.

V.1. Operational details that continue to be part of the permit (Design Report)

- V.1.a. Hours of operation. Access to the site shall be limited to those hours when an attendant is on duty. The hours of operation must be stated explicitly. The hours should be stated clearly using 24 hour clock as standard. (e.g. 0700 to 1700, Monday through Friday).
- V.1.b. Daily disposal limit. See Guidance Document 02-2008 (Landfill Waste Disposal Limits)
- V.1.c. Wastes to be accepted. The design report shall specify the types of wastes that will be accepted and excluded. The design report must explicitly list each type of waste to be accepted and a list of prohibitions against acceptance of unauthorized wastes.
- V.1.d. Traffic routing. The design report shall describe traffic routing under different weather conditions to meet the requirements of 9VAC20-81-140.A.12 and 13. Parking areas for visitors and employees shall be delineated.
- V.1.e. Refuse-cover balance computations. See Submission Instruction # 02
- V.1.f. Stockpile sizing estimates. See Submission Instruction # 02
- V.1.g. In addition to the required information submitted in the Design Report, in accordance with 9VAC20-81-430, the director may include additional permit conditions necessary to protect public health or the environment or to ensure compliance with 9VAC20-81. The additional conditions may include items typically included in the operations manual if deemed necessary. If such conditions are included in the facility's permit and contradictions arise between the facility's operations manual and conditions contained in the permit, those conditions included in the permit shall prevail.

V.2. Content of operations manual required under Amendment 7

Amendment 7 requires all solid waste disposal facilities and other solid waste management facilities to prepare and maintain an operations manual in their operating record consistent with current operations and regulatory requirements. (9VAC20-81-485). The operations manual must contain at least the following five plans:

- Operations plan,
- Inspection plan,
- Health and safety plan,
- Unauthorized waste control plan, and
- Emergency contingency plan.

In addition, the operations manual for solid waste disposal facilities must also include a landscaping plan.

V.3. Revision of existing operations manuals

As of the effective date of Amendment 7 all facilities will be allowed by regulation to revise their operations manual as needed. If the facility chooses to revise their operations manual, the revised manual must be certified by the responsible official and placed in the operating record. See Section V.5. for more details regarding certification. The operations manual will be reviewed by the DEQ compliance inspector during subsequent inspections. If the operations manual contradicts the regulatory standards, the regulatory standards shall prevail unless a variance has been granted.

Essential operational information that is still required in Part B applications (see Section V.1) continue to apply as a permit condition and may only be revised by a permit modification.

V.4. Compliance with operations manuals

In accordance with 9VAC20-81-485, the operations manual must reflect current operations at the permitted facility. Amendment 7 removed the operations manual from the permit to encourage innovation and facilitate the use of the operations manual as a working document that can be utilized for training and a “how to” for operational staff. Therefore, during inspections the department will review the operations manual and current operations to ensure consistency. In addition, the operations manual will be required to adhere to the regulatory requirements of 9VAC20-81 and will be compared to these standards to ensure compliance. See Section V.5. for responsible official certification details.

V.5. Responsible official signature

9VAC20-81-485 of the VSWMR requires the responsible official for each facility certify the operations manual meets the requirements of 9VAC20-81. This certification is required on an annual basis or whenever the operations manual is revised. The first certification shall occur no later than December 31, 2011. Therefore; if a facility chooses to revise their operations manual it should be certified by the responsible official at the time of the revision. However, if the facility does not intend to revise the operations manual, it still must be reviewed and certified by the responsible official no later than December 31, 2011. The suggested text for the responsible official certification is included below.

“I certify that this document and all attachments were prepared under my direction or supervision in accordance with 9VAC20-81-485 and certify the standards of the Virginia Solid Waste Management Regulations 9VAC20-81 are met.”

Responsible Official: Print name, Title

Signature: Signature and Date

VI. Collaboration Process

No project team was formed to develop this guidance.

VII. Other Applicable Information

Amendment 7 Q&A document